

September 28, 1999

Victim Requests for Meetings Turned Down

Clinton/Gore Consulted Terrorists' Supporters But Stiffed Victims

"Did I understand correctly that some people from the group trying to gain clemency for these individuals met with somebody from Justice or the White House? If that's the case then, I really think that that has to be the most outrageous thing I've ever heard in my life. Because as a victim I was never contacted by anyone."

[Rocco Pascarella, former New York city policeman disabled by FALN bomb in 1982]

The media and the Congress continue to express skepticism about the mechanics and the political motivations underlying the President's decision to offer clemency to 16 Puerto Rican terrorists. [For further analysis, see RPC's "Coddling Terrorists?," 9/21/99; "Al Gore: Quick to Condemn 'Arms-for-Hostages,' but What About 'Terrorists-for-Votes?'," 9/21/99; and "Harass Lawful Citizens, Prosecute Fewer Criminals, Coddle Terrorists for Political Gain," 9/21/99.] Although the president's authority to grant pardon or clemency is not subject to legislative or judicial counteraction, both houses of Congress have passed non-binding resolutions strongly critical of the decision.

Deservedly, much attention to date has been devoted to the fact that the clemency offer was made even after the recommendation against clemency by the FBI, the Bureau of Prisons, and the United States Attorneys in Illinois and Connecticut. However, one aspect of the clemency matter that has not received detailed examination — and about which the White House has been characteristically less than forthcoming — is the question: *With whom* did Clinton/Gore Administration officials confer prior to making their decision? This paper reviews the transcripts from the September 15 hearing before the Senate Committee on the Judiciary and the September 21 hearing before the House Committee on Government Reform to answer that question.

Why'd He Do It?

But, first, why? In what would seem to be a direct contradiction of the Clinton/Gore Administration's forceful rhetoric on the need to combat terrorism, the clemency recipients were members of a group — the Armed Forces of National Liberation (or FALN, after its initials in Spanish) — responsible for the longest sustained domestic terrorist campaign in American history: more than 130 bombings in the United States, including the 1975 Fraunces Tavern blast which killed four people. The 16 terrorists offered clemency had been convicted of felonies ranging from seditious conspiracy to weapons and explosives charges.

Prior to his freeing of the FALN terrorists, President Clinton has only granted *three* clemency requests out of 3,000 submitted; interestingly enough, *none* of the FALN terrorists had put in a formal request for clemency. Many observers, including some of the FALN's victims, have suggested that only political considerations can explain an otherwise unexplainable decision:

"This committee must ask itself why the president would grant this clemency against the advice of enforcement organizations whose job it is to give recommendations to the appropriateness of this clemency. Was it to gain favor for the Puerto Rican vote in New York for Mrs. Clinton's senatorial bid? Or was it simply another example of President Clinton's lack of moral character?" [Anthony Senft, retired New York Police Department detective, who lost an eye, is partially deaf, and has endured several operations on his hip and other areas of his body as a result of a 1982 FALN bombing, House hearing 9/21/99.]

White House denials that President Clinton had conferred with the presumptive Senate candidate to whom he is married have been treated with open derision, as has Vice President Al Gore's bold stance to "not stand in judgment" of the decision — but not to endorse it, either.

Red Carpet Treatment for Clemency Advocates . . .

And, so with whom did Clinton/Gore Administration officials confer prior to making their decision? In testimony before the Senate Judiciary Committee on September 15, 1999, Reverend Dr. C. Nozomi Ikuta of the United Church of Christ (UCC) indicated that the Clinton/Gore Administration had been more than generous in extending access to pro-clemency individuals and groups. According to sources including the helpful Dr. Ikuta, whose willingness to volunteer information has far exceeded that of the Administration:

- Clemency advocates met with White House counsels Jack Quinn and Charles F.C. Ruff, as well as with Deputy Attorney General Eric Holder. (NOTE: Quinn, who had been counsel and chief of staff to Vice President Gore in 1993, became White House counsel in 1995. Ruff, who took over as White House counsel in 1997, had "personal plans of wanting to get this [i.e., the FALN clemency matter] wrapped up since he had worked on

it for so much time, before he left for private practice" in August 1999, according to White House spokesman Joe Lockhart [press conference, 9/7/99].)

- According to Dr. Ikuta, these meetings took place as early as "about 1997," although, according to Dr. Ikuta, "the pardon petition was filed in 1993" and "people began working for the release of these folks from the day that they were arrested," i.e., in the early 1980s. (It is telling that while clemency advocates "began working" for the terrorists' release in the 1980s — that is, during the tenures of GOP presidents Ronald Reagan and George Bush — they waited until 1993, not coincidentally Bill Clinton's first year in office, to actually file the pardon petition.)
- Some of these meetings took place at the White House, others at the Department of Justice (DOJ). Dr. Ikuta did not indicate how many meetings occurred altogether.
- Dr. Ikuta indicated that the president of the UCC had convened what she described as "ecumenical meetings" — presumably conclaves of representatives of various religious bodies — in mustering support of pardons for the FALN terrorists. She also noted that, in general, Clinton Administration officials preferred to confer with the "head of the communion" — i.e., the principle leader of a church or denomination.
- According to other information available to Congress, meetings by pro-clemency activists with DOJ pardon attorneys began as early as 1994.
- According to one FALN victim (Detective Senft, testifying before the House Government Reform Committee on September 21, 1999), he was personally informed by a pro-clemency "activist" that she had had a "sit-down interview" with Attorney General Janet Reno, though no documentation of such a meeting is yet available.

... But Not for Victims

While there is nothing illegal or per se improper about the high-level meetings described by Dr. Ikuta and other sources, they do illustrate the skewed sense of sympathy of Clinton/Gore officials in their treatment of criminals and their victims. In sharp contrast to the red carpet treatment extended to clemency advocates, victims and relatives of victims of FALN crimes were not invited to give their views on possible pardon of the terrorists, and instead had the door slammed in their face when they sought official access. At least some of the victims had learned of the possible release of the terrorists only from media reports, after the decision had been made.

At the Senate and House hearings, the victims and their families expressed their outrage that they had not been consulted about possible clemency:

- **"Senator Hatch, I didn't find out about it until . . . my brother-in-law called me up**

on the phone and said he heard it on the radio . . . And at first I didn't believe him. I didn't think it would be possible. But before then, I was never contacted by anyone. [. . .] Well, I would just like to say that — I'm a little hard of hearing — did I understand correctly that some people from the group, trying to gain clemency for these individuals, met with somebody from Justice or the White House? Oh. Well, if that's the case then, I really think that that has to be the most outrageous thing I've ever heard in my life, because as a victim I was never contacted by anyone."

[NYPD Detective Rocco Pascarella, disabled in 1982 FALN terrorist bombing, Senate hearing, 9/15/99]

- "No, I was contacted by no one. And I understand efforts made by Joe Connor, who was the son of Frank Connor, who was killed with me, was killed alongside me, made several attempts to speak with representatives of the White House and was not well received."

[Bill Newhall, disabled in 1975 FALN bombing in which four other persons were killed, Senate hearing 9/15/99.]

- "Contrary to his statement in Mr. Clinton's letter, both sides were not heard. Since 1997, my wife and I have been writing letters to our president. We've written four letters and one to Janet Reno. We have never received a response. I was on a talk show, about three weeks ago, with an activist called Alice Cordova. We got into the elevator. She's a very articulate lady When I got into this elevator and I spoke to this articulate lady, she told me that she had a sit-down interview with Ms. Reno, and I cannot get a letter answered by sending one to her and four to my president. I am disgusted over that. I'm appalled. As I think back, I still think it's America and I think . . . that someone should have sent me some kind of correspondence. [. . .] My position is, I just don't understand why I can't get my White House and my attorney general to answer any letters. . . . I started this campaign in 1997 with my wife, and they refuse to respond to it, when the activists can get a sit-down meeting with Janet Reno."

[NYPD Detective Anthony Senft, disabled in 1982 FALN bombing, House hearing 9/21/99.]

- "I tried to keep in touch with the New York Police Department for the past 24-1/2 years, to find out if there had been any changes in the case regarding Fraunces Tavern. I was always told that it was in an inactive file. So you can imagine my shock upon receiving a phone call on Monday, August 23, to be told about an article in the . . . *New York Times* of Joe and Tom Connor, who had heard about the clemency, or had seen it in the paper. . . . So my family was shocked to read in the newspaper . . . that the 16 had been offered the clemency. [. . .] As I mentioned in the testimony — I think reinforced by folks here, is that some of the advocates for the release of these terrorists have been meeting regularly with — I am not sure

about the attorney general herself, but I know at least the deputy attorney general and also with Mr. Quinn, who was the former White House counsel. So advocates have had the opportunity over the last several years to meet, I guess at a minimum twice, and who knows how many, and I know what I'm saying, is that these people [i.e., the victims] have been asking for the same level of courtesy without even a phone call or a letter back."

[Diana Berger Ettenson, widow of Alejandro "Alex" Berger, who was killed in a 1975 FALN bombing, House hearing 9/21/99.]

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